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SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 2052/LA4/81. *Dated, Trivandrum, 16th February,* 1981.

The Payment of Salaries and Allowances (Amendment) Bill, 1981 together with the Statement of Objects and Reasons, the Financial Memorandum and the Memorandum regarding Delegated Legislation is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

Dr. R. Prasannan,
Secretary,
Legislative Assembly.

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33/554/MC

Sixth Kerala Legislative Assembly

Bill No. 64

THE PAYMENT OF SALARIES AND ALLOWANCES (AMENDMENT) BILL, 1981

A

BILL

further to amend the Payment of Salaries and Allowances Act, 1951.

Preamble.—WHEREAS it is expedient further to amend the Payment of Salaries and Allowances Act, 1951, for the purposes hereinafter appearing;

BE it enacted in the Thirty-second Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Payment of Salaries and Allowances (Amendment) Act, 1981.

(2) It shall come into force at once.

2. *Substitution of new section for section* 7B.—For section 7B of the Payment of Salaries and Allowances Act, 1951 (XIV of 1951) (hereinafter referred to as the principal Act), the following section shall be substituted, namely:—

"7B. *Medical facilities to members of the Legislative Assembly.*—Subject to such rules as may be made in this behalf, every member of the Legislative Assembly who does not hold any of the offices referred to in section 5A and the members of his family shall be entitled to medical treatment and medical attendance and to all other benefits in connection therewith to the same extent as a person holding any of the offices referred to in the said section and the members of his family are respectively entitled to under that section.

Explanation.—For the purposes of this section, 'member of the family' means the wife or husband, children including adopted children and step children and parents wholly dependent upon the member of the Legislative Assembly.".

3. *Substitution of new section for section* 9A.—For section 9A of the principal Act, the following section shall be substituted, namely:—

"9A. *Free transit by railway.*—(1) Subject to such rules as may be made in this behalf, every Member of the Legislative Assembly, other than the Speaker, the Deputy Speaker, the Leader of the Opposition and the Ministers, shall be provided with rail travel coupons of the value of two thousand, one hundred and fifty rupees for a period of twelve calendar months.

(2) Subject to such rules as may be made in this behalf, every member shall be entitled to utilise such rail travel coupons for the travel by such member and his or her spouse by first class by any railway in India.

(3) A member who performs any journey by using the railway coupons provided under sub-section (1) shall not be entitled to any travelling or daily allowance for such journey:

Provided that a member who performs such journey inside the State for attending a meeting of the Legislative Assembly or any committee thereof shall be entitled to incidental expenses at the rates applicable to first grade officers of Government.".

STATEMENT OF OBJECTS AND REASONS

According to section 7B of the Payment of Salaries and Allowances Act, 1951, every member of the Legislative Assembly who does not hold any of the offices referred to in Sections 3 and 4 of the Act and the members of his family shall, subject to any rules made in that behalf, be entitled free of charge, to medical treatment and medical attendance and to all other benefits in connection therewith, to the same extent as a first grade officer of the State Government and the members of his family are respectively entitled to, from time to time. It is proposed to provide that a member of the Legislative Assembly who does not hold the office of Minister, Speaker, Deputy Speaker or Leader of the Opposition, and the members of his family, shall be entitled to medical treatment and medical attendance and to all other benefits in connection therewith to the same extent as a person holding any of the said Offices and the members of his family are respectively entitled to under section 5A of the Act.

2. Sub-section (1) of section 9A of the Act provides that every member of the Legislative Assembly other than the Speaker, the Deputy Speaker and the Leader of the Opposition and the Ministers should be provided with railway coupons which shall, subject to such rules as may be made by the Government in this behalf, entitle such member and his or her spouse to travel by first class by any railway in India for a distance of fifteen thousand kilometres in the aggregate during a period of twelve calendar months. The Government of India, Ministry of Railways, have introduced with effect from the 1st June, 1978, money value coupons instead of distance coupons which were being issued till that date. They have also desired the State Government to make necessary amendments to the Members Free Transit by Railway Rules. When implementing the new system of money value coupons it has to be ensured that the total distance travelled by a member during a calendar year by availing of the free transit facility by railway does not exceed the prescribed limit. But there is no machinery or provision for the purpose. It is also difficult to arrange with the Railway Authorities to note the distance for each ticket issued to the members of the Legislative Assembly in exchange for cash coupons, in order to have a check on the distance travelled. Therefore,

instead of fixing a distance limit it is proposed to provide that a member shall be provided with rail travel coupons of the value of Rs. 2,150 for twelve calendar months.

3. The Bill seeks to amend the Act for the above purposes.

FINANCIAL MEMORANDUM

Under section 7B of the Payment of Salaries and Allowances Act, 1951, a Member of the Legislative Assembly who does not hold the office of Minister, Speaker, Deputy Speaker or Leader of the Opposition and the members of his family shall, subject to any rules made in that behalf, be entitled free of charge, to medical treatment and medical attendance and to all other benefits in connection therewith to the same extent as a first grade officer of the State Government and the members of his family are respectively tentitled to from time to time. Clause 2 of the Bill seeks to substitute the above section to entitle such a member and the members of his family to medical facilities to the same extent as a person holding the office of Minister, Speaker, Deputy Speaker or Leader of the Opposition and the members of his family, are entitled to under the Act.

2. Section 9A proposed to be substituted by clause 3 of the Bill provides that every member of the Legislative Assembly other than the Ministers, the Speaker, the Deputy Speaker and the Leader of the Opposition shall be provided with railway coupons of the value of Rs. 2,150 which shall entitle such member and his or her spouse to travel by first class by any railway in India for a period of twelve calendar months.

3. It is not possible at this stage to estimate the additional financial commitment involved in giving effect to the amendments proposed in the Bill.

MEMORANDUM REGARDING DELEGATED LEGISLATION

New Section 7B of the Payment of Salaries and Allowances Act, 1951, as proposed to be substituted by clause 2 of the Bill, provides that, subject to such rules as may be made in that behalf a member of the Legislative Assembly who does not hold any of the offices mentioned in section 5A of the Act and the members of his family shall be entitled to the medical treatment and medical attendance and to all other benefits in connection therewith to the same extent as a person holding the office of Minister, Speaker, Deputy Speaker and Leader of the Opposition and the members of his family are entitled to under the Act.

2. Sub-section (1) of section 9A as proposed to be substituted by clause 3 of the Bill provides that a member shall be provided with rail travel coupons of the value of Rs. 2,150 for a period of 12 calendar months, subject to rules

made in that behalf. Sub-section (2) of that section provides for the making of rules subject to which every member shall be entitled to utilise such rail travel coupons.

3. The matters in respect of which rules may be made are matters of an administrative nature or matters of detail. The delegation of Legislative power is therefore of a normal character.

E. K. NAYANAR.